

EDWARDS ANGELL PALMER & DODGE LLP
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750 Lexington Avenue
New York, New York 10022
212.308.4411

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BETH ISRAEL MEDICAL CENTER,

Plaintiff,

07 Civ. 6254 (MGC) (KNF)

- against -

1199/S.E.I.U. UNITED HEALTHCARE WORKERS
EAST, d/b/a LOCAL 1199/S.E.I.U. NATIONAL
HEALTH AND HUMAN SERVICE EMPLOYEES
UNION,

ANSWER TO COUNTERCLAIM

Defendant.

Plaintiff/Counter-Defendant Beth Israel Medical Center (“Beth Israel”), by its attorneys, Edwards Angell Palmer & Dodge LLP, answers the Counterclaim of Defendant/Counter-Claimant 1199/S.E.I.U. United Healthcare Workers East d/b/a Local 1199/S.E.I.U. National Health And Human Service Employees Union (the “Union”) as follows:

1. Denies each and every allegation contained in Paragraph 1 of the Counterclaim, except admits that the Union purports to bring this claim and seek relief pursuant to the Labor Management Relations Act, 29 U.S.C. § 185 (the “LMRA”).

2. Admits that the Court has jurisdiction pursuant to the LMRA and 28 U.S.C. § 1331.

3. Admits the allegations contained in Paragraph 3 of the Counterclaim.

4. Admits the allegations contained in paragraph 4 of the Counterclaim.

5. Admits the allegations contained in paragraph 5 of the Counterclaim.

6. Denies each and every allegation contained in paragraph 6 of the Counterclaim, except admits that Beth Israel and the Union are bound by the collective bargaining agreement attached to the Petition as Exhibit 7.

7. Denies each and every allegation contained in paragraph 7 of the Counterclaim, and refers to Exhibits 3 and 8 of the Petition for their contents.

8. Denies each and every allegation contained in paragraph 8 of the Counterclaim.

9. Denies each and every allegation contained in paragraph 9 of the Counterclaim.

10. Admits the allegations contained in paragraph 10 of the Counterclaim.

11. Denies each and every allegation contained in paragraph 11 of the Counterclaim.

12. With regard to Paragraph 12 of the Counterclaim, repeats and re-alleges its responses to paragraphs 1-11 of the Counterclaim as if each were fully set forth herein.

13. Denies each and every allegation contained in paragraph 13 of the Counterclaim.

14. Denies that the Union is entitled to any of the relief requested in the “WHEREFORE” clause of the Counterclaim, including subparagraphs (1) through (5).

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

15. The Counterclaim fails, in whole or in part, to state a claim upon which relief may be granted.


AS AND FOR A SECOND AFFIRMATIVE DEFENSE

16. The Opinion And Award of Arbitrator Robert T. Simmelkjaer, dated March 6, 2007, in the matter of the arbitration between the Union and Beth Israel (the "Arbitration Award") should be vacated, in whole or in part, because the Arbitrator exceeded his powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

WHEREFORE, Beth Israel requests that the Union's application to dismiss the Petition and confirm the Arbitration Award be denied, and that an Order be entered vacating the Arbitration Award in its entirety, and for such other and further relief as the Court deems just and proper.

Dated: August 2, 2007
New York, New York

EDWARDS ANGELL PALMER & DODGE LLP

By: 
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To: 1199/SEIU UNITED HEALTH CARE WORKERS EAST
Defendant/Counter Claimant
301 West 43rd Street
New York, New York 10036
212.582.18900

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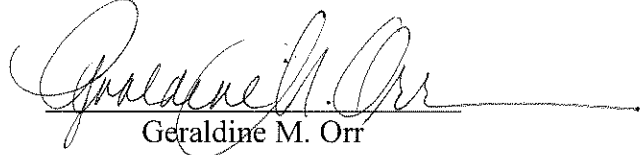
AFFIDAVIT OF SERVICE

Defendant.

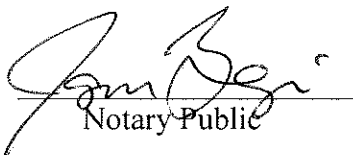
Geraldine M. Orr, being duly sworn, deposes and says that she is over the age of eighteen; is not a party to this action; and that on the 2nd day of August 2007, she served a true copy of the foregoing ANSWER TO COUNTERCLAIM and RULE 7.1 STATEMENT upon:

**1199/SEIU UNITED HEALTH CARE WORKERS EAST
301 WEST 43RD STREET
NEW YORK, NEW YORK 10036**

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of the United States Postal Service, first class mail, within the State of New York.


Geraldine M. Orr

Sworn to before me this
2ND day of August 2007


Notary Public

**JASON BOGNI
Notary Public, State of New York
No. 02806164235
Qualified in Kings County
My Commission Expires: Apr. 16, 2011**